

OPINION 1198

SMINTHOPSIS MURINA VAR. *CONSTRICTA* SPENCER,
1896 (MAMMALIA, MARSUPIALIA) SUPPRESSED

RULING.— (1) Under the plenary powers the species-group name *constricta* Spencer, 1896, as published in the binomen *Sminthopsis murina* var. *constricta*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The species-group name *constricta* Spencer, 1896, as published in the combination *Sminthopsis murina* var. *constricta*, and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1094.

HISTORY OF THE CASE Z.N.(S.)2080

An application for the suppression of *Sminthopsis murina* var. *constricta* Spencer, 1896, was first received from Dr. M. Archer (Queensland Museum, Brisbane, Australia) on 19 August 1974. After an exchange of correspondence, it was sent to the printer on 9 June 1976 and published on 30 September 1976 in *Bull. zool. Nom.* 33, pp. 127–128. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials, to six general and two mammalogical serials. No comment was received.

DECISION OF THE COMMISSION

On 24 November 1980 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1980)34 for or against the proposals set out in *Bull. zool. Nom.* vol. 33, p. 128. At the close of the voting period on 24 February 1981, the state of the voting was as follows:

Affirmative Votes — eighteen (18), received in the following order: Melville, Holthuis, Willink, Mroczkowski, Trjapitzin, Alvarado, Starobogatov, Habe, Corliss, Hahn, Tortonese, Brinck, Ride, Lehtinen, Bayer, Binder, Bernardi, Sabrosky

Negative Votes — five (5): Welch, Heppell, Dupuis, Cogger, Nye

Vokes and Halvorsen were on leave of absence. No voting paper was returned by Kraus.

The following comments were returned by members of the Commission with their voting papers:

Welch: 'There is a chance that the type may still be found.'

Heppell: 'I vote against the proposal on the grounds that the taxon *Sminthopsis murina* var. *constricta* Spencer is only of

infrasubspecific status and consequently has no status in nomenclature. The applicant presents no evidence to the contrary and from his difficulty in associating the name with any recognised subspecies it must be assumed that there was nothing in Spencer's original description to suggest that it was applied to anything more than an individual variant. It would be pointless to look for the types of named varieties as, to their authors, the two concepts of a type and a variety would have been mutually exclusive. As such names were generally not recognised as being available even to designate subspecific taxa, it would be better if the Commission did not accord them the false status implied by the untenable Monaco ruling even to the extent of adding one to the Official Index of Rejected and Invalid Names.'

Dupuis: 'Je n'estime pas devoir supprimer (c'est toujours commettre un faux) les *nomina dubia*. S'ils sont vraiment douteux, ils ne gênent personne. S'ils deviennent gênants, c'est qu'ils cessent d'être douteux et s'ils ont priorité, il faut alors le reconnaître loyalement.'

Cogger: 'The Commission is being asked to use its plenary powers to resolve what is primarily a taxonomic problem. Stability of nomenclature is not seriously at issue, and the matter can be resolved by available taxonomic procedures.'

Nye: 'The nomenclatural type of *S. ooldea* should be designated as the neotype of *S. murina* var. *constricta*. *S. ooldea* was established only in 1965 so cannot be regarded as a long-established name.'

Bernardi: 'Il me semble justifié de supprimer le nom *constricta* parce que le type de cette entité n'est pas connu avec certitude.'

ORIGINAL REFERENCE

The following is the original reference to a name placed on an Official Index by the ruling given in the present Opinion:
constricta, *Sminthopsis murina* var., Spencer, 1896, *Rep. Horn Exped. Central Australia*, pt. 2, Zoology, p. 33.

CERTIFICATE

I hereby certify that the votes cast on V.P.(80)34 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1198.

R.V. MELVILLE, *Secretary*
International Commission on Zoological Nomenclature, London, 8 April 1981